

Form ocv13to7

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF WEST VIRGINIA**

In David Andrew Levine and Monica Larson Levine Case No.: 3:19-bk-01048
Re: Debtor(s)

**ORDER CONVERTING CASE UNDER CHAPTER 13 TO CASE UNDER CHAPTER 7,
ORDER TERMINATING WAGE WITHHOLDING ORDER,
AND NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST**

The Court has determined to convert this case to one under Chapter 7 of the Bankruptcy Code.

Therefore, it is hereby

ORDERED that the Chapter 13 case of the above-captioned debtor is converted to a case under Chapter 7. It is **FURTHER ORDERED** that all orders directing the debtor to make Chapter 13 plan payments to the trustee and/or directing an employer to commence withholding are terminated. It is

FURTHER ORDERED that the Debtor or Chapter 13 trustee, whichever is appropriate, shall:

1. File and transmit to the United States Trustee within 30 days of the entry of this order a final report and account. Fed. R. Bankr. P. 1019 (5)(B)(ii).
2. Forthwith, on demand and after the qualification of or assumption of duties by the Chapter 7 trustee, turn over to the Chapter 7 trustee all records and property of the estate in the possession or control of the Debtor or Chapter 13 trustee. Fed. R. Bankr. P. 1019(4).
3. File within 14 days after entry of this Order, if the debtor has not already done so in the Chapter 13 case:
 - (A) lists, inventories, schedules, and statement of financial affairs as required by Fed. R. Bankr. P. 1007. Any such document filed in the Chapter 13 case is deemed filed in the Chapter 7 case;
 - (B) amended schedules I and J, if the debtor's income and/or expenses have changed between the filing of the Chapter 13 petition and the entry of this Order;
 - (C) amended schedules as necessary to reflect the loss/acquisition of property of the estate between the filing of the Chapter 13 petition and the date of this order converting the case to one under Chapter 7;
 - (D) a schedule of unpaid debts incurred after the filing of the petition and before conversion of the case, including the name and address of each holder of a claim. The debtor or debtor's counsel shall serve upon each of these creditors a copy of the amendment and the Notice of Bankruptcy Case Filing and the Meeting of Creditors. This notice must include all nine digits of the debtor's social security number. The debtor or debtor's attorney shall file a certificate of service with the Clerk evidencing service of the above documents; and
 - (E) a schedule of executory contracts and unexpired leases entered into or assumed after the filing of the Chapter 13 petition, but before entry of this Order.
4. File a Statement of Intention within 30 days after entry of this Order, or before the date first set for the meeting of creditors in the converted case, whichever is earlier.
5. File a statement of completion of a course concerning personal financial management. If the Debtor has not already filed a statement of completion of a course concerning personal financial management, prepared as prescribed by the appropriate Official Form, the Debtor is notified, pursuant to Fed. R. Bankr. P. 5009(b), that the case will be closed without the entry of discharge unless the statement is filed no later than 60 days after the first date set for the meeting of creditors under §341.
6. If applicable, continue payment of the filing fee in installments on or before the dates set forth in the Order Approving Payment of Filing Fees in Installments previously entered in this Bankruptcy case.

Notice to Creditors and Other Parties in Interest

7. Unless a pre-bankruptcy default has been fully cured in the Chapter 13 case, the existing default shall have the effect given to it by applicable non-bankruptcy law in the converted case.
8. A new time period for: filing a motion under 11 U.S.C. §707(b) or (c), objecting to a claim of exemption, filing claims, filing a complaint objecting to discharge, or filing a complaint to determine dischargeability of any debt shall commence in accordance with Fed. R. Bankr. P. 1017, 1019(2), 3002, 4004, or 4007.
9. All claims filed by creditors before conversion are deemed filed in the Chapter 7 case. A non-administrative expense claim against the debtor that arose after the filing of the petition and before entry of this Order shall be treated as if such claim had arisen immediately before the date of the filing of the petition, and may be filed in

accordance with Fed. R. Bankr. P. 3001(a–d) and 3002.

10. Any request for payment of a pre–conversion administrative expense incurred by any entity other than a governmental unit is timely filed if it is filed within 90 days of the date first set for the meeting of creditors in this converted case. A governmental unit's request for payment of a pre–conversion administrative expense is timely if it is filed within 180 days of the entry of this Order.

11. The conversion of this case to Chapter 7 does not terminate pending motions. On conversion, every effort should be made to inform the case trustee of the status of a pending motion. In the event that the trustee has inadequate time to respond to a pending motion due to the conversion of the case, the court may delay entry of a proposed order, or grant relief to the trustee from the order under Fed. R. Bankr. P. 9023 and/or 9024.

12. Notwithstanding the above paragraph, any pending objection to confirmation of the debtor's Chapter 13 plan, motion to modify the debtor's Chapter 13 plan, or motion to dismiss the debtor's Chapter 13 case based on eligibility to be a Chapter 13 debtor is denied as moot, and further action on those matters may be terminated by the Clerk's office.

Appointment of a Chapter 7 Trustee

13. The Chapter 7 Trustee appointed to administer this Chapter 7 estate is: Aaron C. Amore.

14. Within 14 days of being appointed, the Chapter 7 trustee shall file a notice of substitution of party in any pending adversary proceeding brought by or against the Chapter 13 trustee on behalf of the bankruptcy estate.

DATED: February 26, 2020

Patrick M. Flatley

U.S. Bankruptcy Judge

Notice Recipients

District/Off: 0424-3

User: ad

Date Created: 2/26/2020

Case: 3:19-bk-01048

Form ID: pdfdoc

Total: 48

Recipients of Notice of Electronic Filing:

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TOTAL: 14

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db	David Andrew Levine	2426 Steamboat Run Road	Shepherdstown, WV 25443
jdb	Monica Larson Levine	2426 Steamboat Run Road	Shepherdstown, WV 25443
tr	Helen M. Morris	P.O. Box 8535	South Charleston, WV 25303
cr	PRA Receivables Management, LLC	PO Box 41021	Norfolk, VA 23541
cr	Matador Solar Partners, LLC, as administrative agent for Matador	8750 North Central Expressway	Suite 750 Dallas, TX 75231
cr	Martin P. Sheehan	Trustee of the BK Estate of Geostellar	1 Community St., Ste 200 Wheeling, WV 26003
cr	Specialized Loan Servicing, LLC, as servicing agent for OBX 2018-1 Trust	c/o Samuel I. White, P.C.	596 Lynnhaven Parkway Suite 200 Virginia Beach, VA 23452
1611529	Aaron Amore, Esq.	PO Box 386	Charles Town, WV 25414
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1612247	Bowles Rice LLP	Attn: Julia A. Chinchek, Esq.	600 Quarrier Street Charleston, West Virginia 25301
1607683	Chase	270 Park Avenue	New York, NY 10017
1607684	Dr. Paul H. Levine	4816 Montgomery Lane	Bethesda, MD 20814
1611222	HEALTHCARE ALLIANCE, INC.	PO Box 1123	Minneapolis, MN 55440-1123
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1609801	Internal Revenue Service	Post Office Box 7346	Philadelphia PA 19101-7346
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1611360	Martin P. Sheehan	Trustee of the Bankruptcy Estate of Geos	1 Community St., Ste 200 Wheeling, WV 26003
1611530	Martin P. Sheehan	1 Community Street, Suite 200	Wheeling, WV 26003
1607685	Matador Capital	8750 N Central Expy #750	Dallas, TX 75231
1611052	Matador Solar Partners, LLC	c/o Michael J. Lichtenstein, Esq.	Shulman Rogers Gandal Pordy & Ecker, PA 12505 Park Potomac Ave, 6th Floor Potomac, MD 20854
1611029	OBX 2018-1 Trust	c/o Specialized Loan Servicing LLC	8742 Lucent Blvd, Suite 300 Highlands Ranch, Colorado 80129
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1611995	Synchrony Bank	c/o PRA Receivables Management, LLC	PO Box 41021 Norfolk VA 23541
1607689	United Bank	300 Foxcroft Avenue	Suite 101 PO Box 1109 Martinsburg, WV 25401
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1612412	USAA FEDERAL SAVINGS BANK	C/O WEINSTEIN & RILEY, PS	2001 WESTERN AVENUE, STE 400 SEATTLE, WA 98121
1609739	West Virginia State Tax Department	Bankruptcy Unit	P.O. Box 766 Charleston WV 25323-0766
1609760	WVSTD	Bankruptcy Unit	PO Box 766 Charleston, WV 25323-0766
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TOTAL: 34